



**Louisville Metro Government**  
**Office of Planning & Design Services - Zoning Enforcement**  
444 South 5<sup>th</sup> Street Louisville KY 40202  
(502)574-6230

**08/07/2023**  
**5:00PM**

Marcella M Werner Enterprises Ltd  
4002 Stoneview Drive Apt 4  
Louisville KY 40207-2060

John Arnold Werner  
2035 River Road  
Louisville KY 40206-1006

Marcella M Werner Enterprises Ltd  
c/o Marci Schmitt  
4804 Albrecht Court  
Louisville KY 40241

**NOTICE OF VIOLATION – BINDING ELEMENT**

**Case Number:** ENF-ZON-23-000133-7

**Subject Property:** 2035 & 2040 Metal Lane  
**Inspection Date:** 08/07/2023  
**Time of Inspection:** 9:40AM

Following receipt of a complaint, your property was inspected by a Louisville Metro Zoning Enforcement Officer. As observed during the inspection and/or discovered through subsequent investigation, a violation(s) exists that requires your immediate attention.

You must immediately stop using this property in violation of the Binding Elements that have been approved as part of a rezoning/development plan associated with the subject property. A binding element is a binding requirement, provision, restriction, or condition imposed by the Planning Commission or its designee, or a promise or agreement made by an applicant in writing, in connection with the approval of a land use development plan or subdivision plan. You may contact the Office of Planning & Design Services to determine what steps must be taken to remedy the violation(s) noted below. Failure to comply with this Notice may result in a Citation or referral to the Planning Commission. In addition, any person or entity that violates any provision related to Binding Elements shall be fined not less than \$500 nor more than \$4,000 for each violation. Each day of violation constitutes a separate offense.

This Notice serves as the warning required under Section 153.23 of the Louisville Metro Code of Ordinances and Section 100.409 of Kentucky Revised Statutes (KRS). You have 10 days in which to remedy the violation (Saturdays, Sundays, and holidays excluded). If you fail to remedy the violation within the specified time, a Citation can be issued.

Your property will be re-inspected at a later date to determine compliance.

Cindy Calvelo  
Zoning Enforcement Officer  
(502)548-0900  
[Cindy.Calvelo@louisvilleky.gov](mailto:Cindy.Calvelo@louisvilleky.gov)

**Enclosures:**

- (1) Case # 13315 - Approved Minutes and Binding Elements (Bes); (2) Case # 13315 - Approved Plan: and (3) Case # L-63-00- approved Landscape Plan

**Violations:**

**BE\_001 Noncompliance with a Binding Element or Condition of Approval**

The terms of an approved development plan and Binding Elements or Conditions of Approval are not being met on the subject property. All construction must be conducted in accordance with the approved plan and Binding Elements or Conditions of Approval.

Subject violation(s) needs to be brought into compliance to avoid fines and enforcement action.

**Inspector Comments:**

Inspected and found the property to be in non-compliance of the Approved Plan (Case # 13315, Feb 24, 2010 DRC Minutes and Binding Elements (BEs)).

BE #1: Current use of the property does not match the Approved Plan.

BE #6: Approved Plan does not allow for outdoor storage. Boat storage occurring outside approved areas.

Also, observed during the inspection, the current landscaping does not meet the requirements of the approved plan.

As discussed, a revision to the current Approved Plan is needed with the above-mentioned binding element #6 amended.

**To appeal:**

If you want to contest this Notice, you may file an appeal to the Planning Commission. An appeal must be filed in writing with the Office of Planning & Design Services within 10 days of the date of this Notice. The Office of Planning & Design Services is located on the third floor of the Metro Development Center at 444 South 5<sup>th</sup> Street, Louisville, KY 40202.